

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Inventor:	Stephens, <i>et al.</i>	Docket No.:	10079.0100
Serial No.:	09/504,939	Examiner:	Daniel S. Felten
Filing Date:	February 16, 2000	Art Unit:	3696
TITLE:	SYSTEM AND METHOD FOR CREATING, DISTRIBUTING AND MANAGING ARTIFICIAL AGENTS		

RESPONSE TO NOTIFICATION ON NON-COMPLIANT BRIEF

Mail Stop: Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Commissioner:

This submission is made in response to the Notification of Non-Compliant
Amendment mailed December 17, 2009.

Remarks begin on page 2 of this paper.

REMARKS

An Appeal Brief under 37 C.F.R. § 41.37 appealing the final decision of the primary examiner dated February 25, 2008 was originally submitted on February 25, 2009. A notice of Non-Compliant Appeal Brief was mailed on May 22, 2009 indicating that the brief is not in compliance with 37 C.F.R. § 41.37(c)(1)(v). A corrected brief was submitted on June 2, 2009. A second notice of Non-Compliant Appeal Brief was subsequently mailed on August 31, 2009 once again indicating the brief was not in compliance with 37 C.F.R. § 41.37(c)(1)(v). A response indicating that a corrected brief was not necessary and a petition for supervisory review under 37 C.F.R. § 1.181 was submitted on September 30, 2009. A third notice of Non-Complaint Appeal Brief was subsequently mailed on December 17, 2009 indicating that the brief failed to comply with the requirements of 37 C.F.R. § 41.37(c). This paper is submitted in response to the Notice of Non-Compliant Amendment dated December 17, 2009 and on instruction from Supervisor Jay Kramer following a telephone discussion held on January 4, 2010 regarding the appropriateness of the non-compliance.

The Notice of Non-Compliant Appeal Brief asserts that “it is unclear from the specification the structure (or anything else) corresponding to the ‘means for’ distributing artificial agents.” 37 C.F.R. § 41.37(c)(1)(v) states that “every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number.”

In response the appellant submits that the previously submitted replacement sheets fulfill the requirements to properly reference the portions of the specification describing the claimed elements. The applicant further submits that following the teleconference of January 4, 2010 with Examiner Felten and Supervisor Kramer, it was agreed that the Notice of Non-Compliant Appeal Brief was issued in error and that if Examiner Felten determines that the specification does not support the “means for”

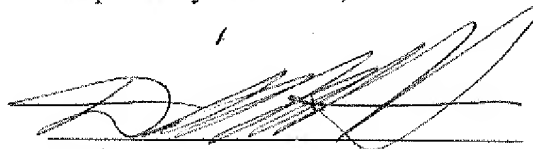
language of the claims then this would be raised as a new matter of rejection in the Examiner's Answer to the Appeal Brief.

CONCLUSION

Therefore, the appellant respectfully submits that a corrected appeal brief is not required at this time and further that the previously submitted corrected appeal brief is in compliance with each provision of 37 C.F.R. § 41.37.

Respectfully submitted,

Date: 11 JAN 10

A handwritten signature in black ink, appearing to read 'Daniel J. Noblitt', is written over a horizontal line.

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